

Minutes of the Meeting of Regional Transport Authority **,Ernakulam held on 26/04/2022**

Present: Chairman

Sri.Jafar Malik I.A.S, District Collector,Ernakulam

Members:

1.Sri.K.Karthik I.P.S,District Police Chief,Ernakulam Rural,Aluva

2.Sri.Shaji Madhavan,Deputy Transport Commissioner,CZ-II,Ernakulam

Item No.1

Heard .This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Mulavukad-High Court Jn Via Hospital Jetty, Ponnarimangalam and Bolgatty as Ordinary moffusil service.This authority considered the application in detail and revealed that is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit.

Hence regular permit is granted in favour of Sri.Nidhin Kalesan in respect of a suitable stage carriage with seating capacity not less than 27 in all to operate on the route Mulavukad-High Court Jn Via Hospital Jetty, Ponnarimangalam and Bolgatty as Ordinary moffusil service subject to settlement of timings and production of current records of the vehicle within the time stipulated under Rule 159[2] of KMV Rules, 1989.

Item No.2

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 25013 of 2021 dated 24/11/2021.

Heard.This is an application for the grant of fresh intra district regular permit in respect of Stage Cariage KL-07-AV-8181 or a suitable stage carriage to operate on the route North Parur- High Court Jn via Cherai, Njarackal, Kalamukku Jn and Vyppin as Ordinary moffusil service in the vacant timing of Stage Carriage KL-07-AW-4668. This authority considered the application in its

earlier sitting held on 01/02/2020 ,vide item no 07 and adjourned “*since the proposed timing submitted by the applicant is the timing of the Stage Carriage KL-07-AW-4668.The renewal of permit application in respect of S/C KL-07-AW-4668 is still pending ,moreover this permit is not cancelled by the Regional Transport Authority.Hence, a direction was given to the applicant for producing the fresh proposal of timing*”.

This authority in its sitting dated 28/10/2021,vide item no 87 considered the request for withdrawal of Renewal of Permit application submitted by the permit holder of Stage Carriage KL-07-AW-4668 and decided that “*the said application was rejected and the issued Regular permit 7/01/1994 to the Stage Carriage KL-07-AW-4668 on the route Maliankara-Vyppin was cancelled*”.

The Hon`ble High Court of Kerala vide judgment in WPC No.25013 of 2021 dated 24/11/2021 directed this authority to consider the application for Regular permit.In compliance with the Judgment of Hon`ble Court this authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit. Moreover, this authority cancelled the Regular permit of Stage Carriage KL-07-AW-4668 in its sitting dated 28/10/2021,vide item no 87.Hence,the proposed time submitted by the applicant in the vacant timing of Stage Carriage KL-07-AW-4668 is acceptable.

Hence, regular permit is granted in favour of Sri. Baiju Sivan in respect of a Stage Carriage KL-07-AV-8181 or a suitable stage carriage with seating capacity not less than 33 in all to operate on the route North Parur- High Court Jn via Cherai, Njarackal, Kalamukku Jn and Vyppin as Ordinary moffusil service in the vacant timing of Stage Carriage KL-07-AW-4668, subject to settlement of timings and production of current records of the vehicle within the time stipulated under Rule 159[2] of KMV Rules ,1989.

Item No.03

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 6881 of 2022 dated 03/03/2022.

Heard .This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route North Paravur-High Court Jn Via Cherai, Nayarambalam, Elamkunnappuzha, Kalamukku as Ordinary mofussil service.This application was submitted on 19/02/2019. The Hon`ble High Court of Kerala vide judgment in WPC No.6881 of 2022 dated 03/03/2022 directed this authority to consider the application in accordance with law and pass appropriate orders within a period of two months from the date of receipt of a copy of the Judgment. In compliance with the Judgment of Hon`ble Court this authority considered the application in detail and revealed that is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit.

But, one of the operators organization,PBOA, has raised a strong objection against the grant of fresh permit,since the applicant Sharath is in abroad (Italy) for two years.Hence, requested to consider the application only in the presence of applicant.

The applicant Sri.Sharath is in abroad[Italy] for long two years. Citizenship of the permit holder is to be verified by the Secretary RTA through concerned authority,if the holder of permit acquires the citizenship of any foreign country.

The Regional Transport Authority is the statutory authority to ascertain the above crucial point before granting Fresh permit .

Hence adjourned

Item No.4

Heard .This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route North Paravur-High Court Jn Via Cherai, Nayarambalam, Elamkunnappuzha, Kalamukku as Ordinary mofussil service. This authority considered the application in detail and revealed that is no objectionable overlapping in the proposed route and no

other legal impediments to grant a permit as per laws governing to the grant of permit.

Hence regular permit is granted in favour of Sri.Sunil Thomas in respect of a suitable stage carriage with seating capacity not less than 33 in all to operate on the route North Paravur-High Court Jn Via Cherai, Nayarambalam, Elamkunnappuzha, Kalamukku as Ordinary mofussil service subject to settlement of timings and production of current records of the vehicle within the time stipulated under Rule 159[2] of KMV Rules, 1989.

Item No.05

1.Heard. This is an application for the grant of fresh regular permit in respect of stage carriage KL-39-M-8851 [Old vehicle no KL-06-C-212 by replacing stage carriage KL-05-K-6376] on the route Thalayolaparambu- Kaloor Via Thalappara, Neerpara, Kanjiramattom, Mulamthuruthy ,Chottanikkara, Thiruvankulam, Karingachira,Puthiya Road, SN Jn, Petta Jn, Vyttila, Kadavanthra and M G Road as ordinary mofussil service. This application is filed in the light of GO(P) No.05/2017/Tran dtd 21/02/2017 for converting the existing temporary permits with existing settled set of timings as specified under Clause[4] of the above said Ernakulam- Muvattupuzha modified scheme.

This authority in its earlier sitting held on 17/05/2017,vide item no 21,considered the application in detail in the light of GO(P) No.05/2017/Tran published vide S.R.O No.93/2017 dtd 21/02/2017 and adjourned for reason that “ *the applicant had preferred route with same termini,but the way of travel is modified so as to touching Trippunithura ,avoiding existing service in between Karingachira and Pettah Via Puthiya road and S.N Jn.In this case existing operational route and proposed route in the application is different .Moreover the proposed route via Trippunithura will defeat the interest of State Transport undertaking and will fell the STU in huge revenue loss.Hence adjourned*”.

Now the applicant has desired to convert the temporary permit as Regular permit on the very same route,without touching Trippunithura.

This authority reconsidered the application in detail in the light of GO(P) No 05/2017/Tran dated 21/02/2017.As per clause [4] of the above said

notification,the Government of Kerala has ordered that “the Temporary permit in the Annexure will also be permitted to operate and they will be permitted to convert their permits as Regular permit”.

Therefore in the light of G.O(P) No.05/2017/Tran dtd 21/02/2017, this authority hereby regularized and converting temporary permit in respect of stage carriage KL-39-M-8851 [Old vehicle no KL-06-C-212 by replacing stage carriage KL-05-K-6376] on the route Thalayolaparambu- Kaloor Via Thalappara, Neerpara, Kanjiramattom, Mulamthuruthy , Chottanikkara , Thiruvankulam, Karingachira, Puthiya Road, SN Jn, Petta Jn, Vyttila, Kadavanthra and M G Road as ordinary moffusil service as regular permit with existing settled set of time schedule.

2.The Secretary RTA is directed to issue regular permit with existing settled time schedule on production of current records of the vehicle within the time limit specified U/R 159[2] of KMV Rules-1989.

Item No.6

1.Heard. This is an application for the grant of fresh regular permit in respect of stage carriage KL-40-335 on the route Thalayolaparambu-Kaloor Via Thalappara, Neerpara, Kanjiramattom, Mulamthuruthy ,Chottanikkara, Thiruvankulam, Karingachira, Puthiya Road, SN Jn, Petta Jn, Vyttila, Kadavanthra and M G Road as ordinary moffusil service. This application is filed in the light of GO(P) No.05/2017/Tran dtd 21/02/2017 for converting the existing temporary permits with existing settled set of timings as specified under Clause[4] of the above said Ernakulam- Muvattupuzha modified scheme.

This authority in its earlier sitting held on 17/05/2017,vide item no 27,considered the application in detail in the light of GO(P) No.05/2017/Tran published vide S.R.O No.93/2017 dtd 21/02/2017 and adjourned for reason that “ *the applicant had preferred route with same termini,but the way of travel is modified so as to touching Trippunithura ,avoiding existing service in between Karinghachira and Pettah Via Puthiya road and S.N Jn.In this case existing operational route and proposed route in the application is different .Moreover the*

proposed route via Trippunithura will defeat the interest of State Transport undertaking and will fell the STU in huge revenue loss.Hence adjourned”.

Now the applicant has desired to convert the temporary permit as Regular permit on the very same route,without touching Trippunithura.

This authority reconsidered the application in detail in the light of GO(P) No 05/2017/Tran dated 21/02/2017.As per clause [4] of the above said notification,the Government of Kerala has ordered that “the Temporary permit in the Annexure will also be permitted to operate and they will be permitted to convert their permits as Regular permit”.

Therefore in the light of G.O(P) No.05/2017/Tran dtd 21/02/2017, this authority hereby regularized and converting temporary permit in respect of stage carriage KL-40-335 on the route Thalayolaparambu-Kaloor Via Thalappara, Neerpara, Kanjiramattom, Mulamthuruthy ,Chottanikkara, Thiruvankulam, Karingachira, Puthiya Road, SN Jn,Petta Jn, Vyttila, Kadavanthra and M G Road as ordinary moffusil service as regular permit with existing settled set of time schedule.

2.The Secretary RTA is directed to issue regular permit with existing settled time schedule on production of current records of the vehicle within the time limit specified U/R 159[2] of KMV Rules-1989.

Item No.7

1.Heard. This is an application for the grant of fresh regular permit in respect of stage carriage KL-36-4197 on the route Thalayolaparambu-Kaloor Via Thalappara, Neerpara, Kanjiramattom, Mulamthuruthy ,Chottanikkara, Thiruvankulam, Karingachira, Puthiya Road, SN Jn, Petta Jn, Vyttila, Kadavanthra and M G Road as ordinary moffusil service. This application is filed in the light of GO(P) No.05/2017/Tran dtd 21/02/2017 for converting the existing temporary permits with existing settled set of timings as specified under Clause[4] of the above said Ernakulam- Muvattupuzha modified scheme.

This authority in its earlier sitting held on 17/05/2017,vide item no 25,considered the application in detail in the light of GO(P) No.05/2017/Tran

published vide S.R.O No.93/2017 dtd 21/02/2017 and adjourned for reason that “ *the applicant had preferred route with same termini, but the way of travel is modified so as to touching Trippunithura ,avoiding existing service in between Karingachira and Pettah Via Puthiya road and S.N Jn. In this case existing operational route and proposed route in the application is different .Moreover the proposed route via Trippunithura will defeat the interest of State Transport undertaking and will fell the STU in huge revenue loss. Hence adjourned*”.

Now the applicant has desired to convert the temporary permit as Regular permit on the very same route, without touching Trippunithura.

This authority reconsidered the application in detail in the light of GO(P) No 05/2017/Tran dated 21/02/2017. As per clause [4] of the above said notification, the Government of Kerala has ordered that “the Temporary permit in the Annexure will also be permitted to operate and they will be permitted to convert their permits as Regular permit”.

Therefore in the light of G.O(P) No.05/2017/Tran dtd 21/02/2017, this authority hereby regularized and converting temporary permit in respect of stage carriage KL-36-4197 on the route Thalayolaparambu-Kaloor Via Thalappara, Neerpara, Kanjiramattom, Mulamthuruthy ,Chottanikkara, Thiruvankulam, Karingachira, Puthiya Road, SN Jn, Petta Jn, Vyttila, Kadavanthra and M G Road as ordinary mofussil service as regular permit with existing settled set of time schedule.

2.The Secretary RTA is directed to issue regular permit with existing settled time schedule on production of current records of the vehicle within the time limit specified U/R 159[2] of KMV Rules-1989.

Item No 8

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 967/2022 dated 12/01/2022.

Heard. This is an application for variation of permit in respect of Stage Carriage KL-36-B-1314 operating on the route Kaippuzhamuttu- Vaikom- Thoppumpady-Kaloor as LSOS Service. This authority considered the

application dated 15/03/2022 on circulation in compliance with the order of Hon`ble High Court of Kerala in WPC No 967/2022 and adjourned on the ground that the hearing of affected parties are not possible when the files are circulated among the members in their respective offices .Hence, decided to place the variation application in the next open sitting for hearing all the affected parties, as per the Judgment of Hon`ble Court.

This authority reconsidered the application in compliance with the order of Hon`ble Court, in the light of enquiry report furnished by the field officer, objections and connected file. By the proposed variation ,the permit holder is desired to operate 2nd trip from Thoppumpady to Vyttila Via BOT Bridge instead of going through Edakochi, Aroor and Kundannoor.This authority considered the matter in detail and then revealed the following facts;

The curtailment of existing trip from Thoppumpady to Vyttila Via Edakochi, Aroor and Kundannoor in the 2nd trip will adversely affect the travelling public from Edakochi ,Pampayimoola and Palluruthy ,who is travelling to Vyttila Via Aroor.The Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.Moreover,the proposed variation from Thoppumpady to BOT of route length One km is objectionably overlapping Thiruvananthapuram- Palakkad , Thiruvananthapuram –Kannur and Alappuzha-Ernakulam notified scheme published vide GO (P) No 42/2009/Trans dated 14/07/2009 which is further modified vide GO (P) No 08/2017/Tran dated 23/03/2017.

By the proposed variation,the main intention of the permit holder is to revise the time schedule. It will adversely affect the travelling public and settled position of timings in the entire sector and there is no change of circumstances warranted under rule 145[7] of KMV Rules-1989 to revise the existing timings.

Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case,the

proposed variation will not give any additional advantage to the travelling public. This authority feels that the consequence of curtailment of trips is much higher than the benefit due to deviation sought by the permit holder.

In view of the aforesaid facts and circumstances, the application for the variation of permit is hereby rejected.

Item No.9

Heard; This is an application for variation of regular permit in respect of stage carriage KL-43-E-2324 operating on the route Kaloore-Eramalloor as Ordinary Moffusil service. By the proposed variation, the permit holder is desired to extension of service on 1st and 9th trip from Chellanam to Thankipally and also extension of 3rd trip from Gunduparambu to Chellanam. This authority considered the application in detail. The proposed extension portion is lying under the Jurisdiction of Sister RTA, Alappuzha. In the case of variation within the jurisdiction of the sister RTA, concurrence of the authority and details of overlapping within the limit of that authority concerned is necessary to ascertain the feasibility of variation proposed. Hence Secretary RTA is directed to seek concurrence of RTA Alappuzha. Hence, adjourned.

Item No.10

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 1196/2022 dated 19/01/2022.

Heard. This is an application for variation of regular permit in respect of stage carriage KL-65-C-1572 operating on the route Cheranelloore- Mattancherry as Ordinary City service. This authority considered the application on 15/03/2022 through circulation and adjourned on the ground that the hearing of affected parties are not possible when the files are circulated among the members in their respective offices. Hence, decided to place the variation application in the next open sitting for hearing to all the affected parties, as per the Judgment of Hon`ble Court.

This authority reconsidered the application in compliance with the order of Hon`ble Court, in the light of enquiry report furnished by the field officer, objections and connected file. By the proposed variation, the permit holder is

desired to vary the permit so as to curtail 7th trip from Kazhuthamuttu to Mattancherry so as to extend service from Kazhuthamuttu to Kannamaly. This authority considered the matter in detail and then revealed the following facts;

The enquiry officer has reported that the proposed curtailment of service between Kazhuthamuttu to Mattancherry will adversely affect the travelling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

Moreover, the field officer reported that the sector Kazhuthamuttu to Kannamaly is very well served sector and hence consequence of curtailment of trips is much higher than the proposed extension. The difficulties to be faced by the travelling public consequent to the proposed curtailment will outweigh the advantages offered by the proposed extension to Kannamaly. Hence, it cannot be allowed.

In view of the afore said facts and circumstances, the application for the variation of permit is hereby rejected.

Item No. 11

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 19878 of 2021 dated 12/11/2021.

Heard. This is an application for variation of regular permit in respect of stage carriage KL-05-AG-3553 operating on the route Koothattukulam –Ernakulam (Kaloor) as Ordinary Moffusil Service. In the proposed variation the permit holder is desired to operate 1st trip from Piravom to Ernakulam (Kaloor) instead of Piravom to Koothattukulam, 2nd trip from Kaloor to Piravom instead of Koothattukulam to Ernakulam, 3rd trip from Piravom to Kaloor instead of Kaloor to Piravom, 4th trip Kaloor to Piravom instead of Piravom to Kaloor, 5th trip Piravom to Kaloor instead of Kaloor to Piravom, 6th trip Kaloor to Koothattukulam instead of Piravom to Kaloor and 7th trip Koothattukulam to Piravom instead of Kaloor to Piravom. This authority considered the application

in detail. By the proposed variation, the intention of the permit holder is only to change the existing timings of all the major trips. The enquiry officer has reported that the proposed variation totally alters the timings. This authority feels that alteration in the settled position of timings on the sector will adversely affect the travelling public and other operators. Moreover, the variation will adversely affect the harmony of the well balanced running time already allotted to all operators and which will be resulted in the unhealthy competition and road rage. Interest of the travelling public is the prime consideration for the grant of a variation. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of permit. Hence curtailment of service cannot be allowed. In this case no public interest reported. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence the application for variation of permit is rejected.

Item No.12

Heard. This is an application for variation and renewal of regular permit in respect of stage carriage KL-42-Q-4567. This authority considered the application in detail. At present, the applicant is operating on the route High Court Jn-Vyppin- North Paravur and Vaniyakkad as Ordinary moffusil service. As the operation of service in between North Parur –Alunkalpokam and Vaniyakkad is objectionably overlaps Aluva- Vadakkumpuram complete exclusion scheme, there exist legal impediment to renew the permit violating scheme of nationalization. Hence the permit holder has applied for variation of regular permit and renewal of permit on the modified route North Parur- High Court Jn by curtailment of service between North Parur –Alunkalpokam and Vaniyakkad to overcome the legal impediment of objectionable overlapping.

The enquiry officer reported that the curtailment of service from North Paravur to Alunkalpokam and Vaniyakad will adversely affect the travelling public. Moreover, the curtailed route is an ill served area where only few vehicles are conducting service. If the proposed curtailment is allowed this authority felt that it will permanently deprive the existing benefits of the

travelling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

In view of the aforesaid fact and circumstances ,the applications for the Renewal of permit is adjourned, since the route objectionable overlapping the Aluva-Vadakkumpuram Complete exclusion scheme and Variation of permit is rejected.

Secretary RTA has the liberty to issue Temporary permit to continue operation on public interest till the final disposal of the application

Item No 13

Heard. This is an application for variation of regular permit in respect of stage carriage KL-07-BE-5032 operating on the route Angamaly- Kalady Plantation 15th block Via Chippy Jn, Thuravur, Chandrapura, Manjapra, Naduvattom, Kannimangalam, Pandupara as Ordinary Moffusil service. By the proposed variation, the permit holder is desired to operate trips nos 1, 3, 4, 7 & 9 from Angamaly to Kalady Plantation 15th block via Manjapra ,Ayyampuzha and Kappela Jn instead of going through Pandupara, Kannimangalam, Naduvattom. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The curtailments will adversely affect the existing passengers .Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

In the above circumstances, the application for the variation of permit is hereby rejected.

Item No 14

Heard. This is an application for variation of regular permit in respect of stage carriage KL-40-B-6364 operating on the route Aluva- Fortkochi Via Muttom, Kalamassery, Edappally, Palarivattom, Kaloor, K K Road, Kadavanthra, Pallimukku, Thevara, Thoppumpady as Ordinary City service. By the proposed variation, the permit holder is desired to operate all trips via Menaka instead of going through K K Road, Kadavanthra.

This authority considered the application in the light of enquiry report furnished by the field officer and connected file. On perusing the file it is revealed that the original permit was granted by RTA on the route Aluva- Fortkochi via Menaka. But, the said permit was surrendered by permit holder. Then, another applicant applied for regular permit in the vacancy. The RTA in its earlier sitting considered the application and granted permit on the route Aluva –Fortkochi via K.K Road only.

After a long period, above 15 years, the permit holder has applied for Variation of permit via Menaka instead of K.K Road. The curtailments will adversely affect the existing passengers. Hence curtailment of existing trips cannot be allowed. There is no necessity under rule 145(6) warranting for the grant of proposed variation. Moreover, The proposed variation from Kaloor to Ravipuram of 6.2 kms is objectionably overlapping Thiruvananthapuram-Palakkad, and Thiruvananthapuram –Kannur notified scheme published vide GO (P) No 42/2009/Trans dated 14/07/2009 which is further modified vide GO (P) No 08/2017/Tran dated 23/03/2017.

In the above circumstances, the application for the variation of permit is hereby rejected.

Item No 15

Heard. This is an application for variation of Regular permit in respect of Stage Carriage KL-40-F-5143 operating on the route Edachira-Kakkanad-Edakochi as ordinary city service. By the proposed variation, the permit holder is desired to curtail trip no 4 & 8 from Kakkanad to Edachira, 5 & 9 from Edachira to

Kakkanad and deviate trip nos 2 & 8 deviate through NGO Quarters instead of new road civil station.

This authority considered the application in the light of enquiry report furnished by the field officer and connected file and it is revealed that the curtailment on the route Kakkand to Edachira will adversely affect the public who accustomed with the existing timings of the vehicle. Moreover, the curtailed route is an ill served area (Edachira) where only few vehicles are conducting service.

If the proposed curtailment is allowed this authority felt that it will permanently deprive the existing benefits of the travelling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case this authority granted permit for the convenience of the travelling public to Edachira.The proposed variation will not give any additional advantage to the travelling public.

Moreover,there is only few services are conducting services through New road, Civil station instead of NGO Quarters. Hence, the proposed deviation in the trips 2 & 8 will adversely affect the public ,who accustomed with the existing timings of the vehicle.

In view of the aforesaid fact and circumstances, the application for the variation of permit is hereby rejected.

Item No.16

Heard.This is an application for variation of regular permit in respect of stage carriage KL-42-R-5380 operating on the route North Paravur- High Court Jn as Ordinary Moffusil service. By the proposed variation the permit holder is desired to add two additional trips after 2nd trip. The 3rd trip upto Valappu and

4th trip from Valappu to High Court Jn ,in trip no 11 curtailing the portion from Kalamukku to Vyppin and in trip no 12 extend from Kalamukku to Vyppin then to High Court Jn . This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will not affect the travelling public adversely and the proposed variation will provide advantage to the travelling public. Hence, the Proposed variation is granted subject to settlement of timings.

Item No 17

Heard.This is an application for variation of regular permit in respect of stage carriage KL-36-6359 operating on the route Thalayolaparambu- Kaloor as Ordinary moffusil service. By the proposed variation, the permit holder is desired to change starting and halting place from Arayankavu to Chottanikkara. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The extension of 7th trip (last trip) from Arayankavu to Chottanikkara will be beneficial for the travelling public to pilgrim centre chottanikkara and also starting trip from Chottanikkara to Thalayolaparambu will also be beneficial for public. There is no objectionable overlapping in the extension portion. Hence, the proposed variation is granted on public interest subject to settlement of timings.

Item No 18

Heard.This is an application for variation of regular permit in respect of stage carriage KL-03-L-7607 (Old vehicle no KL-07-BY-5126) operating on the route Marottichuvadu-Fortkochi as Ordinary City service. By the proposed variation, the permit holder is desired to change starting and halting place from Marottichuvadu to Pukkattupady. This authority considered the application in the light of enquiry report furnished by the field officer and connected file.In the proposed variation the permit holder intended to extend the last trip from Marottichuvadu to Pukkattupady by curtailing trip to Medical college. If the proposed variation is allowed it will adversely affect the travelling public to Medical college at night. Interest of the public is the main factor for the grant of

a variation on existing Regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence, curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

In the above circumstances, the proposed variation is hereby rejected on public interests.

Item No.19

Heard.This is the application for variation of regular permit in respect of stage carriage KL-40-L-3699 operating on the route Trippunithura- Aluva as Ordinary Moffusil service. By the proposed variation the permit holder is desired to deviate 3rd trip from Kakkanad to Info park gate 2,Edachira and then to Vayanasalapadi. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will not affect the travelling public adversely and the proposed deviation will provide advantage to the travelling public. There is no objectionable overlapping in the proposed route. Hence, the proposed variation is granted subject to settlement of timings.

Item No.20

Heard.This is an application for variation of regular permit in respect of stage carriage KL-06-C-4271 operating on the route North Paravur- Kaloorkakkanad- Puthukkod Temple as Ordinary Moffusil service. By the proposed variation the permit holder is desired to extend trip no 3 from Pipeline to Vyttila Hub by curtailing trip to Kakkanad and addition of two trips from Vyttila Hub to Edappally Jn and Vice versa. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will adversely affect the travelling public who accustomed with the existing timings of the vehicle.Moreover, the 3rd trip is providing direct connectivity from North Paravur to Kakkanad Civil Station in the office hours.

If the proposed curtailment is allowed this authority felt that it will permanently deprive the existing benefits of the travelling public. Interest of the

public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

In the above circumstances, the proposed variation is hereby rejected on public interests.

Item No.21

Heard. This is the application for variation of regular permit in respect of stage carriage KL-42-Q-4254 operating on the route Kunjithai- Ernakulam High Court Jn as Ordinary Moffusil service. By the proposed variation the permit holder is desired to extend trip no 2nd & 4th from Vyppin to High Court Jn , 3rd trip starts from High Court Jn to Vyppin by curtailing trip to Elamkunnappuzha , 5th trip starts from High Court Jn and 13th trip avoiding stay time at Vyppin. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will not affect the travelling public adversely and the proposed variation will provide advantage to the travelling public. There is no objectionable overlapping in the proposed route. Hence, the proposed variation is granted subject to settlement of timings.

Item No.22

Heard. This is an application for variation of regular permit in respect of stage carriage KL-40-3355 operating on the route Medical College- Kakkand- Infopark-Hill Palace as ordinary Moffusil service. In the proposed variation the permit holder is intended to operate 2nd trip from Trippunithura – HMT Jn by extending from Kakkanad, trip no 6 from Medical College –Karimugal via HMT Jn, Vallathol , Kakkand, Infopark instead of Edappally Toll, Vyttila Bypass and Trippunithura and in trip no 7 from Infopark to Trippunithura by avoiding portion from Trippunithura-Kaloor. This authority considered the application in detail. The proposed variation included deviation, curtailment and Extension. The enquiry report is not specific. Hence Secretary RTA is directed to ascertain

whether the curtailment of service adversely affect the travelling public. Hence, adjourned.

Item No.23

Heard. This is an application for the Renewal of Regular permit in respect of Stage Carriage KL-06-G-1271 on the route Manjapra-Manjaly as ordinary Moffusil service. The permit holder has filed application within the time limit prescribed under section 81(2) of MV Act, 1988.

This authority considered the application in detail. On perusal of file it is seen that, this authority in its sitting held on 15/07/2017, vide item no 18, considered the renewal application and adjourned for reason that "The route is having length of 20 km in which the portion of the route in question from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme, which is exclusively reserved for the State Transport Undertaking. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned. The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest.

The above legal impediment is still existence. Therefore this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the Government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

Item No.24

Heard; This is an application for the renewal of regular permit in respect of stage carriage KL-07-AR-93 operating on the route Puthenvelikkara-Manjapra as Ordinary Moffusil Service. The regular permit was expired on 07/04/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit.

Item No 25

Heard. This is an application for Renewal of Permit and Transfer of Permit (Death) u/s 82(2) of MV Act, 1988, in respect of S/C KL-07-BC-1521 on the route Aluva- Angamaly Via Kanjoor and swargamd. Smt. Ramla Shereef, wife of the deceased permit holder has applied for Transfer of permit (death) u/s 82(2) of MV Act, 1988. On perusal of file, it is revealed that the Secretary RTA was heard all legal heirs of the deceased permit holder and all legal heirs were submitted their consent for the transfer of permit into the name of Sri. Shefin Shereef, son of deceased permit holder. Therefore, Transfer of permit in respect of S/C KL-07-BC-1521 u/s 82(2) of MV Act, is allowed as applied for subject to the clearance of Government dues, if any.

The possessor of the Stage Carriage, Sri. Shefin Shereef, has filed an application for Renewal of permit within the time limit prescribed under section 81(2) of MV Act, 1988. There is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the Secretary RTA is permitted to renew the permit.

Item No.26

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-07-BA-1060 operating on the route Aluva-Airport Jn (Vathuruthy) as Ordinary City Service. The regular permit was expired on 29/01/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No 27

Perused the Judgment of Hon`ble STAT in MP No 116/2022 in MVARP No 11/2022 dated 14/02/2022.

This is an application for Renewal of Permit ,Replacement of Vehicle and four month Temporary permit in respect of vehicle No KL-08-AB-101 to operate on the route Kumbalam- Trichur as LSOS. This authority considered the application in detail. The Stage Carriage KL-08-AB-101 was registered on 28/06/2004. The regular permit no 7/28/2002 expired on 27/01/2022. The permit holder had not filed application for the renewal within the time limit prescribed u/s 81(2) of MV Act, 1988. The application for Replacement of vehicle was submitted only on 10/08/2020.

This authority perused the application with the connected files and it is revealed that;

1. The stage Carriage KL-08-AB-101 covered by the regular permit was attained the age of 15 years during the year 2019. But the permit holder had not offered later model vehicle for the replacement at that time and filed improper application during the year 2020. As the present position of law, LSOS stage carriage shall be replaced on completion of the age of 15 years. In this case, the applicant failed to

offer a suitable vehicle during the year 2019.Hence violated the permit condition.

2. As per Rule 152 of KMV Rules 1989, the vehicle shall be so maintained as to be available for the service for which the permit was granted,for the entire period of currency of the permit and the permit is liable to be suspended or cancelled,after due notice to the permit holder,if the vehicle has not been used for the purpose for which the permit was granted,for any day in the case of a stage carriage or for a continuous period of fifteen days. In this case the applicant is not operating service for a long period and failed to serve the need and convenience of public.Hence the permit is liable to be cancelled.
3. In this case, the permit holder was defaulted stage carriage operation from the year 2019, ie, for a long period of 1 year. Hence it is clear that the applicant is not able to maintain a stage carriage service for providing better conveyance facility to the general public without break. The permit was granted by this authority for the operation of regular service for the convenience of the travelling public.But the permit holder failed to do so. This action of permit holder caused refusal of stage carriage service on the said route where there is lack of service and the passengers were put on to untold miseries.
4. Moreover,on 29/12/2018, a non use intimation in respect of vehicle KL-08-AB-101 for the period from 01/01/2019 to 31/12/2019 was filed by one Sri.Sunil in place of permit holder or power of attorney holder.Hence, the possession was enquired and enquiry officer reported that the vehicle KL-08-AB-101 is in unauthorized possession of Sri.Sunil.

As per Clause [c] of section 86(1) of MV Act-1988,the transport authority which granted permit may cancel the permit or may suspend it for such period as it thinks fit if the holder of the permit ceases own the vehicle covered by the permit.

In this case, the permit holder violated the section 86(1)c of Motor Vehicles Act,1988. Therefore the regular permit is liable to be cancelled. Hence, the regular permit issued to stage carriage KL-08-AB-101 on the route Kumbalam-Trichur as LSOS is hereby cancelled u/s 86(1)c of MV Act,1988.

As there is no Regular permit is in existence, the applications for Renewal of permit and Replacement of vehicle are rejected.

There is no urgent necessity for the grant of new permit on the proposed route. Hence application for the grant of temporary permit is also rejected.

Item No.28

Heard. This is an application for the Renewal of Regular permit in respect of Stage Carriage KL-08-AK-1414 on the route Kunjithai-Puthenvelikkara as ordinary Moffusil service. The permit holder has filed application within the time limit prescribed under section 81(2) of MV Act,1988.

This authority considered the application in detail .On perusal of file it is seen that ,this authority in its sitting held on 17/08/2015,vide item no 52,considered the renewal application and adjourned for reason that “The route is having length of 20 km in which the portion of the route in question from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme ,which is exclusively reserved for the State Transport Undertaking. Judgments of Hon’ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is

adjourned. The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest.

The above legal impediment is still existence. Therefore this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the Government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

Item No.29

Heard. This is an application for the Renewal of Regular permit in respect of Stage Carriage KL-17-A-134 on the route Aduvassery-Manjaly- Thavalappara-Aluva-North Paravur as ordinary Moffusil service. The permit holder has filed application within the time limit prescribed under section 81(2) of MV Act, 1988.

This authority considered the application in detail. On perusal of file it is seen that, this authority in its sitting held on 17/11/2016, vide item no 23, considered the renewal application and adjourned for reason that "The route is having length of 20 km in which the portion of the route in question from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme, which is exclusively reserved for the State Transport Undertaking. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this

regard. Hence the application for the renewal of regular permit is adjourned. The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest.

The above legal impediment is still existence. Therefore this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the Government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

Item No.30

Heard; This is an application for the renewal of regular permit in respect of stage carriage KL-17-E-1234 operating on the route Chittethukara - Fortkochi as Ordinary City Service. The regular permit was expired on 06/01/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization.

Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No.31

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-32-F-1713 operating on the route Cherthala- Kaloor as Ordinary Moffusil Service. The regular permit was expired on 07/04/2022. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application within the time limit. As per the report of the route enquiry officers, there is no legal impediment exist for the renewal of permit and the

renewal will not disturb the scheme of nationalization. Therefore, the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No.32

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-35-C-84 operating on the route Aluva-Kottayam as Ordinary Moffusil Service. The regular permit was expired on 19/07/2021. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. On perusal of file it is seen that, "The route is having length of 95 km in which the portion of the route in question from Government Medical College to Bus stand Kottayam which is 350 metre in length objectionably overlaps Kottayam-Neendoor complete exclusion scheme, which is exclusively reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Kottayam-Neendoor complete exclusion scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned.

The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest.

Item No 33

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-41-C-1291 operating on the route Aluva- Thoppumpady as Ordinary City Service. The regular permit was expired on 27/11/2020. The permit holder has not filed application before the expiry of the permit. Due to

the outbreak of epidemic covid 19,the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. But,the permit holder failed to produce No Objection Certificate from Financier.This is mandatory for Renewal of permit u/s 51(6) of MV Act.In this meeting ,the authorized representative intimated that the financier not in exist .Hence, there is no way to submit No objection certificate from the financier.For ascertain the version of the permit holder,this authority directed secretary RTA to enquire the matter and submit a detailed report in the next meeting without fail.Hence delay is condoned and Renewal of permit application is adjourned.

The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest, till the final disposal of the application for the renewal of permit.

Item No 34

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-41-K-1809 operating on the route Aluva-Fortkochi as Ordinary City Service.The regular permit was expired on 02/04/2022.But,the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No.35

Heard. This is an application for variation and renewal of regular permit in respect of stage carriage KL-42-441 to operate on the route Malavana Ferry – Kodungallore via Chendamangalam, North Paravur, Andipillikavu and Kuriappilly as ordinary moffusil service. This authority considered the application in detail. At present, the applicant is operating on the route Malavana Ferry –Kodungallore via Chendamangalam, North Paravur, Andipillikavu and Kuriappilly as ordinary moffusil service. As the operation of service in between North Parur –Malavana Ferry is objectionably overlaps Aluva- Vadakkumpuram complete exclusion scheme, there exist legal impediment to renew the permit violating scheme of nationalization. Hence the permit holder has applied for variation of regular permit and renewal of permit on the route North Parur- Kodungallor by curtailment of service between North Parur –Malavana Ferry to overcome the legal impediment of objectionable overlapping.

The enquiry officer reported that the curtailment of service from North Paravur to Malavana Ferry will adversely affect the travelling public. Moreover, the curtailed route is an ill served area where only few vehicles are conducting service. If the proposed curtailment is allowed this authority felt that it will permanently deprive the existing benefits of the travelling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

In view of the aforesaid fact and circumstances ,the applications for the Renewal of permit is adjourned, since the route objectionable overlapping the Aluva-Vadakkumpuram Complete exclusion scheme and Variation of permit is hereby rejected.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

Item No 36

Heard; This is an application for the renewal of regular permit in respect of stage carriage KL-07-AR-7475 operating on the route Aluva-Mattanchery as Ordinary City Service. The regular permit was expired on 26/01/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No 37

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 13441/2019 dated 10/05/2019 and the Judgment of Hon`ble State Transport Appellate Tribunal in M.V.A.A No 71/2019 dated 30/04/2019 and M.V.A.A No 252/2019 dated 16/07/2021.

This is an application for condonation of delay and Renewal of permit in respect of Stage Carriage KL-07-BX-7380 operating on the route Thaqdees Hospital Edathala - Eramallur expired on 20/08/2016. The said application was considered by this authority in its various sittings held on 15/07/2017, 19/01/2019 and 18/09/2019 and rejected renewal application on grounds that the application not submitted by permit holder on time, delay condonation request was not found satisfactory and unauthorized possession was occurred.

Vide Judgment of Hon`ble STAT in MVAA No 252/2019 dated 16/07/2021 pronouns that *"Section 81 (4) of the Act refers to the ground on which the Regional Transport Authority or the State Transport Authority can reject an application for renewal of permit .The application for renewal of permit has not been rejected by the 1st Respondent (RTA) on any of the grounds mentioned in Section 81(4) of the Act. Therefore ,the rejection of the renewal*

application is apparently wrong and so ,the order is liable to be set aside.The RTA Ernakulam is directed to reconsider the application for Renewal as well as the application for condonation of delay and pass a speaking order on merits within two months after hearing both the parties”.

This authority reconsidered the application in compliance with the Judgment of Hon`ble STAT in MVAA No 71/2019 dated 30/04/2019 and in MVAA No 252/2019 dated 16/07/2021. The Hon`ble STAT directed this authority to consider the application for renewal in sec 81(4) of MV Act 1988 and also pointed out that the application for renewal as well as the application for condonation of delay were not considered by the RTA in correct legal perspective.The same point was once again pronounced by Hon`ble STAT in MVAA No 252/2019 Judgment dated 16/07/2021.Hence , this authority reconsidered the application in Section 81 (4) of the MV Act,1988 and it is realised that, eventhough there is no violation of Section 81 (4) of MV Act,1988, the cease of ownership of the vehicle covered by a permit is attached to the violation of section 86 (1) of MV Act,1988. Therefore, the permit is liable to be cancelled. However, this authority re-considered the application on merit in view of the direction issued by the Hon`ble State Transport Appellate Tribunal.

In this case the regular permit even if renewed from the year 2016 as sought by the permit holder would have expired on 19/08/2021 and an application for further renewal of permit should have been filed atleast 15 days before. On perusing the agenda it is only seen that the permit holder ,Sri.Vinuraj Vijayan was demised on 20/08/2020.The death intimation was informed by Smt.Indira Vijayan, the mother of permit holder.But, the renewal application details not seen in the agenda and notes.Hence this authority not in a position to take a decision on request for condonation of delay and renewal of the permit.

Therefore , secretary RTA is directed to submit a detailed agenda and report ,whether the proposed legal successor has filed application for the renewal of regular permit w.e.f 20/08/2021. Hence ,adjourned.

Item No 38

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-17-A-6989 operating on the route Edakochi-Aluva as Ordinary City Service. The regular permit was expired on 15/01/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No 39

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-26-5310 operating on the route Perumbavoor- Thevara Ferry as Ordinary Moffusil Service. The regular permit was expired on 09/01/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has not filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization.

Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of compounding fee of Rs.7500/- for the permitless operation.

Item No 40

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-40-6444 operating on the route Aluva- Thevara Jn as Ordinary City Service. The regular permit was expired on 30/08/2019. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization.

Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No 41

Perused the Judgment of Hon`ble STAT in MP No 699/2020 in MVAA No 109/2020 dated 19/02/2021.

This is an application for Renewal of Permit ,Replacement of Vehicle and Variation of permit in respect of vehicle No KL-05-AP-7620 to operate on the route Uthimoodu - Ernakulam as LSOS.This authority considered the application in detail.The Stage Carriage KL-05-AP-7620 was possessed by permit holder from Sri.Cijo Cherian under lease agreement.The regular permit 7/43/2002 was expired on 04/03/2015.The renewal of permit application was considered by this authority in its earlier sitting and directed to seek concurrence from Sister RTA`s.Thereafter,the Stage Carriage is conducting service with the strength of 4 month temporary permit based on the order of Hon`ble High court of Kerala in WPC No 25348/2017.

Then,the permit holder replaced the existing vehicle with the later model vehicle KL-05-AP-7620 ,which was possessed under lease agreement wef 04/06/2019. Thereafter, the registered owner,Sri.Cijo cherian surrendered the records of the vehicle and issued temporary permit and stated that the vehicle is now under his possession .Hence he requested to cancel endorsement of lease agreement with the permit holder,since he had violated the terms of lease agreement.Then ,the secretary RTA was enquired the possession of the vehicle by JRTO ,Kanjirappallay and reported that the vehicle is now under the possession of Registered owner Sri.Cijo Cherian. A show cause notice also issued u/r 152 of KMV Rules,1989 to the permit holder.

On 13/04/2021 ,the registered owner produced a Judgment of Hon`ble High Court of Kerala in WPC No 26678 of 2021 dated 17/03/2021.In compliance the Judgment,this authority cancelled the lease agreement in respect of vehicle no KL-05-AP-7620 and issued clearance certificate to the registered owner.

Subsequently ,the permit holder filed a MVAA No 109/2020 before the Hon`ble STAT and vide interim order that “the RTA shall not take any decision to cancel the permit without giving an opportunity to the petitioner to show cause to the contrary”.The interim order is extended by Hon`ble STA and it is still alive.

In this meeting RTA heard the authorized representative of the permit holder.This authority considered the application in detail with the Judgment of Hon`ble High Court of Kerala, STAT , connected files and enquiry report of field officers and revealed that the Stage Carriage vehicle KL-05-AP-7620 is possessed by the Permit holder Sri.Baby Antos under lease agreement from the Registered owner Sri.Cijo Cherian on 04/05/2019.On 31/10/2019, the registered owner surrendered the records of the vehicle and intimated that the vehicle is now under his possession.Thereafter ,in compliance the Judgment of Hon`ble High Court of kerala in WPC No 26678 of 2020, the lease agreement cancelled and issued clearance certificate by Secretary RTA, Ernakulam.

In this case, as on 31/10/2019 the vehicle possession was changed from permit holder to registered owner. Now there is no vehicle is attached in the said permit.Hence the matter was placed before the RTA Ernakulam held on 01/02/2020 and decided that “to issue detailed showcase notice to the permit holder why action should not be taken against the regular permit for the non operation of service”. The explanation is not found satisfactory .Moreover, the permit holder failed to offer a suitable vehicle during the year 2019.Hence violated the permit condition.

As per Clause [c] of section 86(1) of MV Act-1988,the transport authority which granted permit may cancel the permit or may suspend it for such period

as it thinks fit if the holder of the permit ceases own the vehicle covered by the permit.

In this case, the permit holder violated the section 86(1)c of Motor Vehicles Act,1988. Therefore the regular permit is liable to be cancelled. Hence, the regular permit issued to stage carriage KL-05-AP-7620 on the route Uthimoodu- Ernakulam as LSOS is hereby cancelled u/s 86(1)c of MV Act,1988.

As there is no Regular permit is in existence, the applications for Renewal of permit Replacement of vehicle and variation of permit are also rejected.

Item No 42

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-07-BF-8061 operating on the route Edakochi-Kakkanad-Edachira as Ordinary City Service. The regular permit expired on 23/11/2021. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988, but he has failed to submit No Objection Certificate from Financier. Moreover, ,this vehicle caused an accident at Foreshore road on 15/11/2021 and caused damaged to several vehicles. As a result , the Hon`ble High Court of Kerala on 17/11/2021 vide interim order in 23021 of 2018 directed the Special Government pleader to produce the report of Motor Vehicles Inspector. Then, Secretary RTA has submitted the report before the Hon`ble Court.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit holder produced No Objection Certificate from the Financier. Therefore, the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any .

If the Hon'ble High Court of Kerala issues any direction against the vehicle in the above accident, the permit file should be produced before this Authority for further action.

Item No 43

Heard .This is the application for Renewal of permit in respect of Stage Carriage KL-35-A-8721 on the route Mannadissala-Ernakulam as Fast Passenger .This authority considered the matter in its earlier sitting held on 17/03/2018,vide item no 21 in compliance with the Judgment of Hon`ble STAT and adjourned on the ground that *“the permit holder released the vehicle from the permit and another suitable vehicle not offered to continuous operation. Therefore , the Secretary RTA is directed to ascertain the present status of Stage Carriage KL-35-A-8721 from the concerned authority and submit a detailed report before this authority”*.

The Secretary RTA,Kottayam being the concerned authority has reported that the Stage Carriage KL-35-A-8721 valid till 18/08/2021 is covered by another permit No 55/76/2000 on the route Pala- Ponkunnam as ordinary service.

This authority considered the matter in its earlier decisions, report from Secretary RTA, Kottayam and it is revealed that the permit holder released the vehicle from the permit w.e.f 04/12/2014 and another suitable vehicle not offered to continue operation.In this case the permit holder failed to offer a suitable vehicle for conducting regular service in place of the existing vehicle KL-35-A-8721.There was no other reason for the applicant to sell the vehicle to another person,than for its monetary benefit. The permit holder`s intention cannot be allowed. Moreover,the action of the permit holder caused refusal of stage carriage service on the said route,where there is lack of services and the passengers were put on to untold miseries.

Moreover,In this cases, there is no vehicle is available in possession of the applicant to hold the regular permit and hence the renewal of permit in respect of a non-existent vehicle is not supported by law. Recently, the Hon`ble High Court of Kerala in W.A. No 2486,2455,2756/2015 has pronounced that

no vehicle can be released from the permit by keeping the permit under suspended animation. This is a similar case of existence of permit without a vehicle. Therefore, there is no provision to renew the non operational permit in respect of non-existent vehicle. Hence, this authority is of the opinion that the permit holder of Stage Carriage KL-35-C-8721 is not qualified for maintaining a Stage Carriage Service.

Therefore, Secretary RTA is directed to issue a Show cause notice u/r 152 of KMV Rules, 1989 to the permit holder, why action should not be taken against the regular permit for the non operation of service.

Hence, the application for the renewal of regular permit is adjourned.

Item No 44

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-41-A-9467 operating on the route Aluva-Fortkochi as Ordinary City Service. The regular permit was expired on 24/09/2019. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has not filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization.

Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of compounding fee of Rs.7500/- for the permitless operation.

Item No 45

Applicant was absent in the meeting. Hence Adjourned.

Item No 46

Heard; This is the application for the renewal of regular permit in respect of stage carriage KL-58-9747 (Old No KL-07-AQ-6566) operating on the route Fortkochi-Kakkanad as Ordinary City Service. The regular permit was expired on 07/01/2022. But, the permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The permit holder has filed application before the expiry of the permit. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned and the Secretary RTA is permitted to renew the permit subject to the remittance of Govt dues if any.

Item No 47

Heard. This is an application for transfer of regular permit in respect of S/C KL-05-U-241 operating on the route North Paravur-Kaloor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 48

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-AQ-1085 operating on the route Munambam-Kodungalloor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 49

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-AW-1017 operating on the route Edakochi-S Chittoor Temple from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 50

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BE-1224 operating on the route Perumbadappu- South Chittoor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 51

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BF-1615 operating on the route Cheranelloore- Trippunithura from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 52

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BV-34 operating on the route Vyttila-Vyttila from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 53

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-CD-819 operating on the route Edachira-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 54

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-AV-910 operating on the route Fortkochi-Kumbalanghy from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 55

Heard. This is an application for transfer of regular permit in respect of S/C KL-11-X-1530 operating on the route Thoppil Jn –Aroor Jn from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 56

Heard. Considering reason offered by the grantee, delay in production of Registration Certificate KL-16-J-1090 after transferring the Ownership of the vehicle is hereby condoned.

Item No 57

Heard. This is an application for transfer of regular permit in respect of S/C KL-17-C-702 operating on the route Kalady-Aluva from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 58

Heard. This is an application for transfer of regular permit in respect of S/C KL-17-F-1490 operating on the route Aluva-Thevara Ferry from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 59

Heard. This is an application for transfer of regular permit in respect of S/C KL-23-1314 operating on the route Poothotta-Aluva from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 60

Heard. This is an application for transfer of regular permit in respect of S/C KL-39-F-250 operating on the route Srampillikkavu-Nilampathinjimukal from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 61

Heard. This is an application for transfer of regular permit in respect of S/C KL-40-C-1022 operating on the route Vyttila-Vyttila from the name of first

applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 62

Heard.This is an application for transfer of regular permit in respect of S/C KL-41-C-631 operating on the route Aluva-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 63

Heard.This is an application for transfer of regular permit in respect of S/C KL-41-F-441 operating on the route Aluva-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 64

Heard.This is an application for transfer of regular permit in respect of S/C KL-41-G-94 operating on the route Aluva-Elavoor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 65

Heard.This is an application for transfer of regular permit in respect of S/C KL-42-B-496 operating on the route Eloor Depot-Thevara Ferry from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 66

Heard.This is an application for transfer of regular permit in respect of S/C KL-43-B-175 operating on the route Aluva-Perumpadappu from the name of first applicant to the name of second applicant. Transfer of permit allowed subject

to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 67

Heard.This is an application for transfer of regular permit in respect of S/C KL-53-C-777 operating on the route Panangad-Elamakkara from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 68

Heard.This is an application for transfer of regular permit in respect of S/C KL-02-AE-3477 operating on the route South Chittoor-Edakochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 69

Heard.This is an application for transfer of regular permit in respect of S/C KL-07-AT-4678 operating on the route Ameda-Ponekkara from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 70

Applicant were absent in the meeting.Hence adjourned.

Item No 71

Heard.This is an application for transfer of regular permit in respect of S/C KL-07-AX-3249 operating on the route Kizhakkeappangattu- Vyppin from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 72

Heard.This is an application for transfer of regular permit in respect of S/C KL-07-BA-4149 operating on the route Munambam-Vyppin from the name of first

applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 73

Applicant were absent in the meeting. Hence, adjourned

Item No 74

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BC-4026 operating on the route North Paravur-Ernakulam High Court Jn from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 75

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BE-2854 operating on the route Aluva-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 76

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-CA-2725 operating on the route Vyttila- Vyttila from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 77

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-CF-4048 operating on the route Cheranelloore-Trippunithura from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 78

Heard. This is an application for transfer of regular permit in respect of S/C KL-13-U-3459 operating on the route Aluva-Thoppumpady from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 79

Heard. This is an application for transfer of regular permit in respect of S/C KL-17-D-4500 operating on the route Kanakkankadavu-Manjapra from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 80

Heard. This is an application for transfer of regular permit in respect of S/C KL-39-A-5000 operating on the route Thevakkal-Chittethukara-CPEZ-Kakkanad-Edakochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 81

Heard. This is an application for transfer of regular permit in respect of S/C KL-39-N-2674 operating on the route Chittethukara-Mundamveli from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 82

Heard. This is an application for transfer of regular permit in respect of S/C KL-40-F-4758 operating on the route Aluva-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 83

Heard. This is an application for transfer of regular permit in respect of S/C KL-40-3355 operating on the route Medical College-Kakkanad-Infopark-Hill palace from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 84

Heard. This is an application for transfer of regular permit in respect of S/C KL-03-L-5535 operating on the route Trippunithura-Trippunithura from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 85

Applicants were absent in the meeting. Hence adjourned.

Item No 86

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-AZ-5295 operating on the route Kodungallor-Vyppin-High Court Jn from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 87

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BF-6695 operating on the route Thuthiyoore-Fort Kochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 88

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-BN-6490 operating on the route Vyttila-Vyttila from the name of first applicant to the name of second applicant. Transfer of permit allowed subject

to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 89

Heard. This is an application for transfer of regular permit in respect of S/C KL-09-T-5555 operating on the route Aluva-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 90

Heard. This is an application for transfer of regular permit in respect of S/C KL-16-F-5646 operating on the route Aluva-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 91

Heard. This is an application for transfer of regular permit in respect of S/C KL-17-F-6906 operating on the route Piravom-Kaloor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 92

Heard. This is an application for transfer of regular permit in respect of S/C KL-39-B-6226 operating on the route Peruva-Kaloor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 93

Heard. This is an application for transfer of regular permit in respect of S/C KL-39-D-6822 operating on the route Cheranelloore-Mattanchery from the name of first applicant to the name of second applicant. Transfer of permit allowed

subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 94

Heard. This is an application for transfer of regular permit in respect of S/C KL-41-6364 operating on the route Aluva-Aluva (circular) from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 95

Heard. This is an application for transfer of regular permit in respect of S/C KL-41-A-6639 operating on the route Aluva-Chottanikkara from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 96

Perused the Judgment of Hon`ble STAT in Review Petition No 2/2022 in MVAA No 91/2021 dated 22/03/2022.

This is an application for Transfer of Permit and Replacement of Vehicle in respect of vehicle No KL-05-AL-3699 to operate on the route Kottayam – Perikkalloor as LSOS. This authority considered the application in detail and it is revealed that the same application was considered by RTA through circulation dated 05/02/2021 in compliance with the Judgment of Hon`ble STAT in MP No 707/2020 in MVAA No 124/2020 dated 18/12/2020 and decided that “for perusing the file ,it seen that the regular permit of the vehicle was expired on 29/12/2012. *The permit holder on 13/03/2012 submitted application for Renewal of permit. This application was considered by RTA in its earlier sitting dated 12/06/2012 and adjourned for want of concurrence of sister RTA`s. Vide Notification GO(P) No 73/2013/Trans dated 16/07/2013 of Transport (B) Department, the operation of higher class service is exclusively reserved for STU, this permit included in this category. This notification was upheld by Hon`ble High Court of Kerala in WPC No 18959/2013 dated*

17/03/2014. On 20/08/2015, the Government modified the scheme dated 16/07/2013 vide GO(MS) No 45/2015. It was directed that the Regional Transport Authorities will issue Ordinary Limited Stop Services to those private state carriages, which were operating Fast Passenger and Super Fast services and the permits of which were rejected by the Regional Transport Authority as a result of coming into force of 2013 scheme. After this RTA had granted 4 months Temporary permits. On 23/03/2017, the Government amended the 2009 scheme vide GO (P) No 08/2017/Trans and a new rule 2 (O)a of Kerala Motor Vehicles Rules is introduced. These amendments were challenged in Hon`ble High Court of Kerala and Clause 4 of final notification dated 23/03/2017 was quashed. At the same time Hon`ble Court has upheld the amendment of Rule 2 (o)a of the Kerala Motor Vehicles Rules, which mention that the Limited stop service can have only 140 kms maximum distance. After this, RTA reconsidered the Renewal of permit application and directed the permit holder to limit the route length upto 140 kms. If the permit holder has filed application for limiting the route length within 140 km by curtailment, it will be reconsidered and there is no legal impediment to renew the permit. But the permit holder has not submitted the application to limit the route length upto 140 kms. The above legal impediments are still existence, but on 08/12/2020, the Hon`ble STAT has not considered the above legal impediments and validate the Regular permit u/s 214 (2) of MV Act. The order of Hon`ble STAT in MP No 656/2020 in MVAA No 150/2020 is against the Government Orders, Judgments of Hon`ble High Court of Kerala and Scheme of Nationalisation. Hence it is challengeable. Therefore, the Secretary RTA is directed to file an original petition civil before the Hon`ble High Court of Kerala within one week against the order of Hon`ble STAT.

As there exist legal impediment for the Renewal of permit and validity of regular permit already expired on 29/12/2012. There is no provision in the Motor Vehicles Act and Rules made there under to transfer of an invalid permit. Hence, application for Transfer of permit and Replacement of vehicle is rejected”.

In the above decision, a direction was given to the Secretary RTA to file an original petition civil before the Hon`ble High Court of Kerala against the

order of Hon`ble STAT. On verifying the connected files ,it is seen that the filing of Original Petition Civil is under process.

The Secretary RTA is directed to contact Advocate General with regard to the speedy disposal of the Original Petition Civil already filed against the order of Hon`ble STAT in M.V.A.A No 150/2020 and Review Petition No 2/2022 in MVAA No 91/2021 dated 22/03/2022.

If any lapse from the part of Secretary RTA will be considered seriously.

Item No 97

Heard. This is an application for transfer of regular permit in respect of S/C KL-01-AQ-7722 operating on the route Eloor-W Island from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 98

Heard. This is an application for transfer of regular permit in respect of S/C KL-05-U-8997 operating on the route Kaitharam-Vyttila from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 99

Heard. This is an application for transfer of regular permit in respect of S/C KL-05-V-9000 operating on the route Kakkanad-Athani-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 100

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-AP-8094 operating on the route Kothad Ferry-Chottanikkara from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 101

Heard. This is an application for transfer of regular permit in respect of S/C KL-07-AW-9118 operating on the route Aluva-Panangad from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 102

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 2437 of 2022 dated 07/03/2022.

Heard. This is an application for Transfer of permit and Replacement of Vehicle. This authority considered the application in detail with Judgment and connected files and it is revealed that this authority considered the transfer of permit in its earlier sitting held on 28/10/2021, vide item no 78 and allowed. But, the permit holder failed to produce the current records of Vehicle KL-07-AW-9730 within the stipulated period. Thereafter, the permit holder filed a WPC No 2437 of 2022 before the Hon`ble High Court of Kerala, vide Judgment dated 07/03/2022, the Hon`ble court quashed the decision of RTA and directed to consider the Transfer of permit and Replacement simultaneously submitted by the permit holder.

In compliance the order of Hon`ble High Court of Kerala, this authority considered the Transfer of permit and Replacement application simultaneously in the light of enquiry report and connected file.

The Transfer of permit is allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

The Replacement of vehicle, the permit holder intention is to replace the existing vehicle KL07AW9730 with a later model vehicle KL37 2000. The material difference is below 25% and the later model vehicle, it will provide more travelling facility than an older model vehicle. Therefore, the Replacement of vehicle is granted subject to the compliance of Rule 174 of KMV

Rules,1989,without insisting current records of outgoing vehicle, as per the direction of Hon`ble Court .

Item No 103

Heard.This is an application for transfer of regular permit in respect of S/C KL-07-BG-8020 operating on the route Pookkattupady-Fortkochi from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 104

Heard.This is an application for transfer of regular permit in respect of S/C KL-07-AU-7847 operating on the route Keezhmadu-Kalamassery from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 105

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 2596/2022 dated 28/01/2022

Heard. This is an application for Transfer of permit 7/10203/1997 in respect of vehicle no KL 35 C 8423 (Old no KL 05 T 1519) operating on the route Aluva-Choondy. This authority considered the application in its earlier sitting held on 28/10/2021,vide item no 53 and rejected on the ground that the power of attorney holder failed to produce the Transfer of permit allowable Power of Attorney.

This authority reconsidered the transfer of permit application in compliance the Judgment of Hon`ble High Court of Kerala and connected files and it is revealed that the permit holder ,Smt.Merlin appeared in person before the secretary RTA, Ernakulam and gave her consent to transfer the permit to 2nd applicant.

Therefore, Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 106

Heard. This is an application for transfer of regular permit in respect of S/C KL-36-7677 operating on the route Ernakulam South-North Paravur from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 107

Heard. This is an application for transfer of regular permit in respect of S/C KL-38-F-8190 operating on the route Brahmamangalam- Thalayolaparambu-Kaloor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 108

Heard. This is an application for transfer of regular permit in respect of S/C KL-39-J-9163 operating on the route Poothotta- Cochin University Centre from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 109

Heard. This is an application for transfer of regular permit in respect of S/C KL-58-G-9168 operating on the route Perumbadappu-South Chittoor from the name of first applicant to the name of second applicant. Transfer of permit allowed subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No 110

Heard. This is an application for replacement of Stage KL-40-1111, Covered by a regular permit valid upto 06/11/2022, by a Older model vehicle KL-05-W-4525. This authority considered the application in detail. On perused the file, it is seen that the permit holder failed to remit fee as per Rule 180 of KMV Rules. Hence , this authority is not in a position to take a decision in an incomplete application.

Therefore, the Secretary RTA is directed to give a direction to the permit holder to remit fee for Replacement of vehicle, if he desired to do so. Hence, adjourned.

Item No 111

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 12578/2022 dated 06/04/2022.

Heard. This is an application for replacement of Stage KL-07-BW-1035, Covered by a regular permit valid upto 27/10/2022, by a Older model vehicle KL-07-BH-8008. This authority considered the application in detail. On perused the file, it is revealed that

Rule 174[2][C] of KMV Rules-1989 suggest that the authority may reject an application for the replacement of vehicle, wherein the incoming vehicle is older than the outgoing vehicle subject to discretion of power stated therein. This authority has examined the merits of the application for the replacement with a very old vehicle KL-07-BH-8008 in the light of comparison table of the both vehicles furnished by the applicant. The safety of the travelling public is the prime consideration for the grant of replacement of the vehicle . The proposed replacement with a very old vehicle will provide only detriment of public safety and convenience. This authority have also observed that the object of MV Act-1988 and Rules made there under is the safety of the public. While comparing two vehicles of 2012 model and 2008 model, the vehicle of 2012 model will be in better position regarding safety and there is considerable difference. Recently so many road accidents were reported in the media in all over Kerala and the main reason for the accidents are the age of the vehicle and the lack of safety measures provided in the very old vehicle. The replacement of a new vehicle 2012 model provided with more safety parameters by old vehicle of 2008 model having lesser safety standards will be a threat to the life of the travelling public and danger to the road safety aspects.

The Rule 174(2)c is upheld by Hon`ble Supreme Court in Civil Appeal Nos 1453,1454/2022 dated 17/02/2022 arising out of SLP (Civil) Nos 13834,13835/2018.

Having regard to the aforesaid circumstances and exercising the discretionary power under Rule 174[2]C of KMV Rules-1989, the application for the replacement of stage carriage KL-07-BW-1035 with very old stage carriage KL-07-BH-8008 is hereby rejected on public interest.

Item No 112

Heard. This is an application for replacement of the stage carriage KL-40-3177, covered by a regular permit valid up to 07/12/2025, by a Later model vehicle KL-17-U-0242 possessed under lease agreement. This authority considered the application in detail. On perused the file, it is revealed this is a case where a older model vehicle (2006 model) covered by a stage carriage permit is sought to be replaced by a later model (2019 model) stage carriage KL-17-U-242 possessed under lease agreement. The material difference is below 25 % and the later model vehicle will provide more travelling facility than an older model vehicle. Therefore the Replacement of the vehicle is granted subject to the compliance of Rule 174 of KMV Rules 1989.

Item No.113

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 21140/2021 dated 11/10/2021

Heard;. This is the application for cancellation of Registration Certificate of Stage Carriage KL-02-T-6001 covered by a regular permit on the route Nilampathinjimukal- Kochukadavanthra as Ordinary City Service. Stage Carriage KL-02-T-6001 was covered by a regular permit valid upto 23/03/2021, the renewal of permit application is still pending due to the non remittance of fees and production of the current records of the said vehicle.

Subsequently, the permit holder submitted a request for seeking permission for cancelling the Registration certificate of S/C KL-02-T-6001 without surrendering the regular permit and also without replacing later model vehicle. The permit holder has also intimated that he is not financially sound to purchase another stage carriage and hence requested to hold the permit alone without vehicle.

A Judgment of Hon`ble High Court of Kerala in WPC No 21140/2021 dated 11/10/2021 submitted by permit holder, vide Judgment the Hon`ble Court directed “*to consider the above request of the permit holder expeditiously and also ordered needless to say that the legal consequence of such dismantling ,if any,would follow*”.

This authority considered the request and order of Hon`ble Court and reveals that there is no provision in the MV Act and Rules made there under to keep the permit alone without a vehicle. Moreover, vide judgment in W.A No.2486, 2455, 2769/2015, the Hon`ble High Court of Kerala has also clarified the above matter. Therefore, the request of the permit holder is not maintainable. This authority is of opinion that the permit holder of stage carriage KL-02-T-6001 is not qualified for maintaining a stage carriage service. The permit holder also intimated that he is not financially sound.

In these circumstances, this authority hereby cancelled the regular permit 7/1044/2001 issued to stage carriage KL-02-T-6001.

Item No 114

Heard the applicant. This is the application for Renewal of Permit in respect of A/R KL-07-CB-2357. The permit holder had not filed application within the time limit prescribed under 81(2) of MV Act. Hence, she requested to condone the delay. This authority considered the application in detail. There is no legal impediment to renew the permit for continuous operation. This authority satisfied with the explanation submitted by the permit holder. Hence, delay is condoned and Renewal of permit is granted.

Item No.115

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 25448 of 2021 dated 09/12/2021 and the Judgement in RP No 95 of 2022 dated 01/02/2022.

Heard; the learned counsel represented the permit holder of stage carriage KL-36-A-4437. This is the issue related to the unauthorized change of possession of the vehicle covered by a regular permit on the route Aluva- Thevara without permission of the statutory authority.

This authority verified the file in detail and it is revealed that ,the permit holder Smt.Sajna Nissar had applied for Replacement of vehicle KL-39-A-3053 with her another vehicle KL-36-A-4437 .The outgoing vehicle's current records not submitted by the applicant, besides she intimated that the records were missing. In the meantime, the permit holder produced a Judgment of Hon`ble High Court of Kerala in WPC No 14275/2021,vide Judgment ,the Hon`ble Court directed Secretary RTA to *"take up the application for replacement and to pass appropriate orders within a period of 2 months from the date of receipt of this Judgment"*.In compliance with the order of Hon`ble High Court of Kerala ,the Secreetry RTA allowed Replacement of vehicle on 27/08/2021.

After the Replacement of Vehicle is allowed, on 10/09/2021 Sri.Ramshad, Kollamkudy House, Edathala P O, Aluva filed a complaint that the previous vehicle in the permit, ie. S/C KL-39-A-3053 along with route permit was purchased by him on January 2020 and without intimating him or asking his consent, the said permit has been replaced to the permit holder's another vehicle. He also produced copy of sale agreement executed between him and the permit holder Smt.Sajna Nissar.

Subsequently, the Secretary RTA conducted an enquiry in this regard. The enquiry officer has specifically reported that the vehicle KL-39-A-3053 was purchased by Sri.Ramshad from Smt.Sajna Nissar on an agreement in 28/01/2020 and handed over all related documents to Sri.K K Ramshad.

Then, the Secretary RTA issued a show cause notice dated 23/10/2021 to the permit holder. But she denied the allegations raised by the complainant in her explanation. Personal hearing was conducted on 20/11/2021 with both the complainant and permit holder, in which, the permit holder stated that she has only transferred the permitless vehicle. The complainant,Sri.Ramshad, intimated that he has purchased vehicle KL-39-A-3053 without permit. The objection he filed before the authority was due to misunderstanding. He is not in the possession of permit.

In the meantime, the permit holder and Sri.Ramshad jointly filed a WPC No 25448 of 2021 before the Hon`ble High Court of Kerala,vide Judgment dated

09/12/2021 ,the Hon`ble Court directed the Regional Transport Authority, Ernakulam *to consider the showcause notice and afford an opportunity of hearing in the proceedings to the petitioners.*

“Accordingly the writ petition is disposed of directing the 2nd respondent to take the proceedings to a logical conclusion in the light of the observations as above, if the proceedings have not culminated so far.” Moreover, on 01/02/2022,the permit holder produced an order of RP No 95 of 2022 against the Judgment in WPC No 25448 of 2021 of Hon`ble High Court of Kerala,in which the Hon`ble Court directed that *“orders in the Judgment dated 09/ 12/2021 shall be passed within a period of six weeks from the order date”.*

In compliance the Judgment of Hon`ble High Court of Kerala ,this matter was considered by RTA on circulation and decided to place the matter in the next open sitting for affording an opportunity of hearing to the petitioners.

This authority considered the above matter in detail with enquiry report of field officer and revealed that in this case an unauthorized permit transfer was done on 28/01/2020 without prior sanction from the statutory authority. This is a violation as per Clause[C] of section 86 of MV Act-1988, “the transport authority which granted permit may cancel the permit or may suspend it for such period as it thinks fit if the holder of the permit ceases own the vehicle covered by the permit.”

In this case, the holder of permit ceased to own the vehicle KL 39 A 3053 covered by the permit with effect from 28/01/2020, and hiding this fact she replaced the permit to her another vehicle KL-36-A-4437. Hence this authority is of considered opinion that the regular permit is liable to be cancelled.

Therefore, the regular permit issued to stage carriage KL-36-A-4437 on the route Aluva- Thevara is hereby cancelled.

Item No.116

Heard;This is the request of the Current Registered owner in respect of stage carriage KL-68-1819 for the cancellation of permit 7/779/2018 granted to the vehicle on the route Kizhakkambalam-Aluva-Vyttila valid up to 01/03/2023.

This authority considered the request in detail and it is revealed that the permit holder had approached the Hon`ble High Court of Kerala in WPC No 19944/2018 dated 18/06/2018.As per the order of Hon`ble court ,he had obtained clearance certificate from Regional Transport Office,Muvattupuzha without surrendering the original permit ,which was issued by this authority. The registered owner neither produced the above Judgment before this authority nor intimated that he has obtained a Clearance certificate from RTO,Muvattupuzha.Hence, the permit is still attached with the vehicle as per our new software Parivahan.

Now the current registered owner intimated that he had purchased the said vehicle and replaced the permit no 5/10043/2004 to this vehicle at RTA,Kottayam.But,as per Parivahan software,the vehicle is attached with the permit No 7/779/2018.Hence requested to cancel the regular permit,which was issued by this authority, for applying Renewal of permit in at Kottayam.

The permit holder ,Sri.Shaju Kuriakose, appeared before Secretary RTA and intimated that the permit no 7/779/2018 is not required.Considering the request, Cancellation of regular permit in respect of stage carriage KL-68-1819 is accepted and the regular permit is hereby cancelled.

Item No.117

Heard.This is an application for cancellation of Regular permit 7/181/2002 in respect of Stage Carriage KL-07-BF-4343 granted on the route Cheranelloor-Mattanchery valid upto 27/01/2022.The application was submitted by the possessor of the vehicle ,Smt.Biatrees Laibi,the wife of the permit holder.She had intimated before Secretary RTA,Ernakulam that her husband Sri,Antony Albin,permit holder, expired on 17/06/2020.Subsequently she had applied for Transfer of Permit (death) and Renewal of permit application along with Death Certificate and Relation certificate.On 24/01/2022, the possessor of the vehicle Smt.Biatrees Laibi submitted an another application for withdrawal of Transfer of permit (death) and renewal of permit application and also requested to cancel the regular permit and effect Transfer of ownership in her name,because

the route is not profitable and it caused huge financial loss to her. The applicant and other legal heirs were heard on 11/02/2022 by Secretary RTA.

Considering the request, Cancellation of regular permit in respect of stage carriage KL-07-BF-4343 is accepted and the regular permit is hereby cancelled.

Item No 118

Action taken by the Secretary RTA as rejected endorsing Transfer of permit (death) in respect of Vehicle No KL-07-BA-4359 on the route High Court Jn- North Paravur – Manjapra is hereby ratified.

Item No 119

Action taken by the Secretary RTA for the cancellation of Regular permit 7/151/2002 on the route Pallikkara- Panampilly Nagar in respect of Stage Carriage KL-17-B-3103 on behalf of this authority is hereby ratified.

Item No 120

Action taken by the Secretary RTA for the cancellation of Regular permit 7/1/1998 on the route Gandhi Nagar-Kothad Ferry in respect of Stage Carriage KL-07-BR-351 on behalf of this authority is hereby ratified.

Item No 121

Action taken by the Secretary RTA for the cancellation of Regular permit 7/329/2005 on the route Cheranellore-Trippunithura in respect of Stage Carriage KL-07-BM-351 on behalf of this authority is hereby ratified.

Item No 122

Action taken by the Secretary RTA for the Replacement of Vehicle KL-42-Q-2640 with later model vehicle KL-42-S-3775 under lease agreement in the Regular permit no 7/1004/1996 on behalf of this authority is hereby ratified.

Item No 123

Action taken by the Secretary RTA for the Renewal of permit 7/3446/2006 on the route Njarackal –Kodungalloor- High Court Jn in respect of vehicle no KL-33-2530 on behalf of this authority is hereby ratified.

Item No 124

Action taken by the Secretary RTA for the cancellation of Regular permit 7/10137/2003 on the route Eroor- Puthukalavattom in respect of Stage Carriage KL-42-3006 on behalf of this authority is hereby ratified.

Item No 125

Action taken by the Secretary RTA for the Renewal of permit 7/1405/2006 on the route Kayantikkara- Aluva in respect of vehicle no KL-25-A-9018 on behalf of this authority is hereby ratified.

Item No 126

1.Perused the Judgment of Hon`ble High Court of Kerala in WPC No 17863/2020 dated 16/08/2021 and an interim order in IA No 1/2022 dated 15/02/2022 in WPC No 17863/2020.

2.Heard; the learned counsel represented the shop owner, representatives of Cochin Corporation and Pandikudy Autorickshaw union .This is an issue relating to the parking of Autorickshaws in front of shop at Pandikudy.The shop owner ,Sri. Sharon Thomas, filed a Writ petition before the Hon`ble High Court of Kerala in WPC No 17863/2020.In compliance to the Judgment of Hon`ble High Court of Kerala, this authority considered the matter at meeting held on 28/10/2021,as item no 100 and adjourned on the ground that the representatives of Cochin Corporation and Autorickshaw unions were not present in the meeting.A direction was also given to the Joint Regional Transport Officer(JRTO), Mattanchery to conduct a meeting with the all affected parties and submit a detail report in this regard.

This authority reconsidered the matter in detail .After conducting a meeting at the chamber of Municipal Secretary,Cochin Corporation with the Petitioner and Secretary ,Pandikudy Autorickshaw drivers Association and Motor Vehicles Inspector on 24/01/2022, JRTO Mattanchery has reported that the problem can be solved by parking one Autorickshaw at a time in front of the Cake shop which will provide access to the vehicles of more customers.

The petitioner, representative of Cochin Corporation and Pandikudy Autorickshaw drivers Association who participated in the RTA Meeting

intimated that the solution formulated in the meeting held on 24/01/2022 at the Chamber of Municipal Secretary, Cochin Corporation, is acceptable to them.

Since shifting of Autorickshaw stand is not practical, in view of the population density in Fort Kochi area. The parking of one Autorickshaw in front of the cake shop at a time without disturbing the visibility and normal working of the shop, is allowed.

Joint Regional Transport Officer, Mattancherry is directed to mark the parking place in front of the cake shop within one week.

Item No 127

1. Perused the Judgment of Hon`ble High Court of Kerala in WPC No 7473/2019 dated 26/10/2021

2. Heard; the learned counsel represented the petitioners. This is an issue relating to the parking of Autorickshaws in front of Aluva Metro Station for the pick up and drop facility and also for assignment of bonnet numbers. Sri. P M Shemeer and Sri. N M Abdul Hameed have jointly filed a Writ petition before the Hon`ble High Court of Kerala in WPC No 7473 of 2019, vide Judgment dated 26/10/2021, the Hon`ble Court pronounced that “ *the autorickshaw drivers interested in plying autorickshaws for the “pick up and drop facility” at the Aluva Metro Station and for assignment of bonnet numbers, if so required, may prefer applications before the Road Transport Authority and the Authority shall take a decision on the same after hearing all the concerned including the Unions*”.

This authority considered the application in detail with the Judgment and connected files and it is revealed that, as per the Direction of Hon`ble Court, the petitioner submit a representation before the Secretary RTA, Ernakulam on 16/02/2022. After this, the secretary RTA decided to conduct an enquiry through the Joint Regional Transport Officer, Aluva and directed to submit a report in this regard. But, the report is not received from that end. Moreover, the authorized representative of petitioner is only present in the

meeting and other affected parties not attended the meeting.Hence this authority is not able to take a decision in this situation.

Therefore,the Secretary RTA is directed

1. To submit a detailed remarks in consultation with Secretary ,Aluva Municipality, The Traffic Regulatory Committee Aluva,Circle Inspector of Police,Traffic Police Aluva,Kochi Metor Rail Ltd and Representatives of all Aluva Auto Drivers Association and all other affected parties,then place the matter in the next sitting without fail.

Hence this matter is adjourned for next sitting.

Item No.128

Heard. This is the request of the applicant seeking maximum time for the production of current records for availing granted Fresh regular permit. This authority considered the matter in detail.This authority in its circulation dated 29/09/2021 granted Fresh regular permit. On perusal of the file, it is evident that the secretary RTA communicated the decision to the permit holder on 07/10/2021 with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle.

Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted. If the permit holder has failed to produce the vehicle within a period of 4 months, the order of sanction stands revoked.

Item No.129

Heard. This is the request of the applicant seeking maximum time for the production of current records for availing granted Fresh regular permit. This authority considered the matter in detail.This authority in its sitting held on 28/10/2021,vide item no 07, granted Fresh regular permit. On perusal of the file, it is evident that the secretary RTA communicated the decision to the permit holder on 12/01/2022 with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum

time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle.

Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted. If the permit holder has failed to produce the vehicle within a period of 4 months, the order of sanction stands revoked.

Item No.130

Heard. This is the request of the applicant seeking maximum time for the production of current records for availing granted Fresh regular permit. This authority considered the matter in detail. This authority in its sitting held on 28/10/2021, vide item no 06, granted Fresh regular permit. On perusal of the file, it is evident that the secretary RTA communicated the decision to the permit holder on 12/01/2022 with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle.

Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted. If the permit holder has failed to produce the vehicle within a period of 4 months, the order of sanction stands revoked.

Item No 131

Heard. This is an application submitted by the permit holder for Counter Signature in respect of Stage Carriage KL-08-AS-6145 on the route Guruvayur-Ernakulam. This authority considered the application in the light of enquiry report and decision of RTA, Thrissur and it is revealed that the RTA, Thrissur on circulation and decision dated 22/01/2021 granted variation of regular permit, subject to settlement of timings. In the said decision, the RTA, Thrissur has not demanded Prior concurrence or Counter signature of this authority. Thereafter, the permit holder has applied for Countersignature of this authority on regular permit for the operation of service in the varied portion, which is under Jurisdiction of this authority. The route enquiry officer has

reported that the proposed variation will not overlap the notified schemes and it is beneficial for the travelling public.

The variation of permit application was already granted by RTA,Thrissur and also the Secretary RTA,Thrissur endorsed the variation of permit in the regular permit.The enquiry officer has reported that there is no objectionable overlapping in the proposed route.Hence, the application for Counter signature is granted.

Item No 132

This is a request submitted by the Hon`ble Ernakulam MLA Vinod T J for extending one of the Bus termini from Konthuruthy to Municipal Park Konthurithy. The route enquiry officer reported that the proposed termini is located 700 meters ahead from the existing termini and there is sufficient space to park 5 stage carriages at a time.Moreover,the road width in between Pallimukku Junction and Municipal park Konthuruthy is sufficient to conduct stage carriage services.

Hence, the request to shift the termini from Konthuruthy to Municipal park Konthuruthy is allowed. All the stage carriages ,which have termini at Konthuruthy should conduct service upto Municipal park Konthurithy, if they have sufficient time gap for departure time.

Item No.133

Applicant was absent in the meeting. The application for grant of LAPT License was placed in its previous meeting held on 28/10/2021 and adjourned due to the absence of the applicant.

Perused the Section 93 of the Motor Vehicles Act,1988 and Rule 193 of the Kerala Motor Vehicles Rules,1989. Secretary RTA is delegated to entertain the application for grant of LAPT License subject to the compliance of provisions of the above act and Rules.

Item No.134

Applicant was absent in the meeting. The application for grant of LAPT License was placed in its previous meeting held on 28/10/2021 and adjourned due to the absence of the applicant.

Perused the Section 93 of the Motor Vehicles Act,1988 and Rule 193 of the Kerala Motor Vehicles Rules,1989. Secretary RTA is delegated to entertain the application for grant of LAPT License subject to the compliance of provisions of the above act and Rules.

Item No 135

All actions taken by Secretary RTA on behalf of this authority are hereby ratified.

Item No 136

Nil

Item No 137

Will be informed later.

Supplementary Item No 1

Applicant was absent in the meeting. This is the matter related with the non disposal of Check reports in respect of Heavy Goods Vehicle KL-07-BM-4648.

This authority considered the matter in detail. In the notes submitted, the Secretary RTA has stated that Check reports are still active against the Heavy Goods Vehicle KL-07-BM-4648 without disposal. But the agenda is not elaborate to ascertain the number and nature of offence committed by the permit holder and the actions taken by the Secretary in accordance with law and existing directions. Moreover, the details of the permit are not mentioned in the notes.

Therefore, the Secretary RTA is directed to submit a detailed note in the agenda with above mentioned relevant points. Hence,adjourned.

Supplementary Item No 2

Heard.This is an application for Renewal of regular permit in respect of Stage Carriage KL-07-CD-3033 on the route Thuthiyoor- Kadavanthra as Ordinary City Service.The regular permit was expired on 02/02/2022.But, the permit holder has not filed application within the time limit prescribed under section

81(2) of MV Act,1988.On perusing the file it is seen that the permit holder failed to remit fee as per Rule 164 of KMV Rules,1989.Hence, this authority not in a position to take a decision in an incomplete application.

Therefore, a direction is given to the permit holder to remit fee for Renewal of permit ,if he desires to do so.

Secretary RTA is directed to issue a showcause notice u/r 152 of KMV Rules,1989 to the permit holder why action should not be taken against the regular permit for the non operation of service,after the expiry of the regular permit.Hence, adjourned.

Supplementary Item No 3

Perused the Judgment of Hon`ble State Transport Appellate Tribunal in M.V.A.R.P No 87/2017 dated 28/02/2022.

Heard.This is an application for Counter Signature in respect of Stage Carriage KL-06-B-5052 operating on the route Punaloor- Keezhpally.The RTA, Kottayam granted the regular permit subject to counter signature of sister RTA`s during the year 2004.This authority considered the application in its earlier sitting held on 17/11/2016 and rejected on the ground that the applicant had not submitted application for counter signature in Form PEA with prescribed fee before this authority.

Against this decision the permit holder has filed MVARP No 87/2017 before the Hon`ble State Transport Appellate Tribunal and vide Judgment in above appeal dated 28/02/2022 the Hon`ble STAT has set aside the decision of RTA,Ernakulam dated 17/11/2016 and also directed to reconsider the request afresh on in the light of RTA,Kottaym decision and give concurrence as per law within two months.

In compliance with the order of Hon`ble STAT,this authority reconsidered the representation and it is revealed that The regular permit was issued during the year 2004 by RTA,Kottayam subject to counter signature of sister RTA`s.But,the regular permit holder failed to submit PEA application with prescribed fee before this authority ,after a long period of 18 years, as per KMV

Rules,1989.Hence,this authority not in a position to take a decision in an incomplete application.Hence, adjourned.

Supplementary Item No 4

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 14434 of 2022 dated 18/04/2022.

Heard. This is an application for grant of Fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Kodnad-Angamaly-High Court Jn as ordinary Moffusil service.This authority considered the application in detail and it is revealed that there is an objectionable overlapping in the proposed route, which is touching Aluva-Vadakkumpuram Complete exclusion scheme.Moreover, there is one more virgin portion in this route. The enquiry report is not a specific one. Hence ,secretary RTA is directed to conduct an enquire and submit a detail report along with the road fitness certificate from PWD or LSGD Departement.Hence, adjourned .

Supplementary Item No 5

Heard.This is a representation filed by Secretary ,Private Bus Owners Association against grant of fresh permit and Variation of permit in the sector between Edappally Aroor byepass.The reason stated that the sector is well served by Private Stage Carriage and KSRTC.During peak hours a heavy traffic jam is occurred. Moreover, currently there is no travel hassle in the said sector.

There is no such report is available in this matter. Hence this authority is not able to take a decision in this situation.Therefore,the Secretary RTA is directed to conduct a detailed enquiry and place the matter in the next sitting with a detailed report.Hence,adjourned.

Supplementary Item No 6

Heard.This is a representation filed by Secretary ,Private Bus Owners Association against grant of fresh permit in the sector between Moothakunnam-North Paravur-Edappally.The reason stated that the sector is well served by Private Stage Carriage and KSRTC.During peak hours a heavy traffic jam is occurred. Moreover, currently there is no travel hassle in the said sector.

There is no such report is available in this matter. Hence this authority is not able to take a decision in this situation. Therefore, the Secretary RTA is directed to conduct a detailed enquiry and place the matter in the next sitting with a detailed report. Hence, adjourned.

s/d

Sri.Jafar Malik I.A.S

District Collector & Chairman RTA

Ernakulam.

Sri.K.Karthik I.P.S

District Police Chief & Member RTA

Ernakulam

Sri.Shaji Madhavan

Deputy Transport Commissioner & Member RTA

Ernakulam